

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

CINCINNATI INSURANCE COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:10-CV-220 CAS
	)	
BROWN & CROUPPEN, P.C., et al.,	)	
	)	
Defendants.	)	

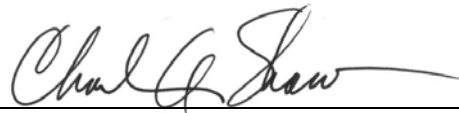
**ORDER**

This matter is before the Court on review of the file. On May 11, 2010, the Court ordered that plaintiff file, within fourteen (14) days of the date of that Order, motions for entry of default by the Clerk of the Court under Federal Rule of Civil Procedure 55(a) and for default judgment under Rule 55(b), as to all defendants. The Court issued this Order based on the mistaken belief that plaintiff had filed executed returned summons for all five defendants. It has since come to the Court's attention that plaintiff has not filed executed returned summons for defendant John Driscoll, nor has service been waived on his behalf. Under Rule 4(m), Federal Rules of Civil Procedure, the Court, after notice to the plaintiff, is directed to dismiss an action against a defendant upon whom service has not been made within 120 days after the filing of the complaint. For this matter, the Rule 4(m) period for service expires on June 7, 2010.

Accordingly,

**IT IS HEREBY ORDERED** that the Court's Order dated May 11, 2010 is **VACATED** as to defendant John Driscoll. The Order remains in full force and effect as to defendants Brown & Crouppen, P.C., Laura Caimi, Ronald Brown, and Terry Crouppen. [Doc. 14]

**IT IS FURTHER ORDERED** that plaintiff shall cause service to be effected upon defendant John Driscoll not later than June 7, 2010, and plaintiff shall timely file a return of summons. In the absence of good cause shown, failure to timely serve defendant John Driscoll shall result in dismissal this defendant without prejudice.

A handwritten signature in cursive script, appearing to read "Charles A. Shaw", written over a horizontal line.

**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 17th day of May, 2010.